

Appl No. 10/667,056
Amdt dated June 21, 2006
Reply to Office Action of March 21, 2006

REMARKS

Applicant has carefully reviewed the Office Action mailed March 21, 2006. Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Claim 13 has been amended to clarify that the slit is parallel to a longitudinal axis of the elongate shaft. No new matter has been added, as this is clearly supported in the originally filed Specification and Figures as well as the previous claim language stating that the slit is disposed along a longitudinal axis of the elongate shaft.

Applicants thank the Examiner for indicating that claims 18-20 are allowable.

Applicant respectfully traverses the Examiner's rejection of claims 13 and 15-17 under 35 U.S.C. §103(a) as unpatentable over Alchas, U.S. Patent No. 5,030,210, in view of Person et al., U.S. Patent No. 5,807,349. Even if motivation exists to combine these references (not conceded by Applicant), the claimed invention is still not met.

The Examiner has incorrectly asserted that Alchas discloses an elongate guidewire port. The term elongate, as commonly understood, refers to something that has a major dimension and a minor dimension, with the major dimension (length) being greater than the minor dimension (width). Thus, one of skill in the art will understand that an elongate guidewire port is a guidewire port that is longer than it is wide. Alchas does not disclose an elongate guidewire port.

Rather, and as previously stated, Alchas actually shows a circular port 40. A circular port is not an elongate port and certainly is not an elongate guidewire port. An aperture formed to permit fluid to flow therethrough, even if a guidewire could conceivably be inserted therein, is not a guidewire port. This is a claimed element not shown or suggested by Alchas.

The Examiner relies upon Person et al. to suggest the claimed slit. However, the slits disclosed by Person et al. (elements 82 and 84 as recited by the Examiner) are disposed at an angle relative to a longitudinal axis and thus cannot be considered as being parallel to a longitudinal axis (or along a longitudinal axis, as previously claimed). Thus, neither reference disclose the claimed slit. This is a claimed element not shown or suggested by either Alchas or Person et al.

Moreover, it is noted that elements 82 and 84 of Person et al. appear to extend through a single layer polymer shaft and thus Person et al. do not disclose a guidewire port (elongate or

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otherwise). Consequently, Person et al. cannot be considered as remedying this noted shortcoming of Alchas. Person et al. cannot be considered as disclosing an elongate guidewire port that is in communication with the claimed "passage comprising an angled slit".

For at least these reasons, neither Alchas nor Person et al., either taken separately or in combination, can be considered as disclosing each and every claimed element. Consequently, the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

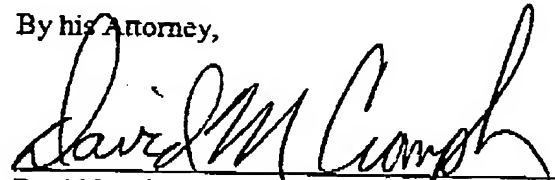
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his Attorney,

Date: 6/21/06



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